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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

Case No. CR09-18-RAJ

12 v.

13 RYAN L. MENDOZA,
14
15 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

16 **INTRODUCTION**

17 I conducted a hearing on alleged violations of supervised release in this case on November
18 1, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States
19 was represented by Seth Wilkinson, and defendant was represented by Lynn Hartfield. Also
20 present was U.S. Probation Officer Todd Sanders. The proceedings were digitally recorded.

21 **SENTENCE AND PRIOR ACTION**

22 Defendant was sentenced on August 28, 2009, by the Honorable Richard A. Jones for Theft
23 of U.S. Mail and Access Device Fraud. He received 8 months of detention and 3 years of
supervised release. Defendant's supervision began November 2010.

Mr. Mendoza tested positive for methamphetamine on September 7, 22, November 1, and 8,
2010. Based on his statements and admissions, Mr. Mendoza was referred for a substance abuse

1 evaluation, which he attended on January 18, 2011. Subsequent to the evaluation, Mr. Mendoza
2 submitted urine tests on December 7 and 22, 2010, and January 11 and 18, 2011, which all tested
3 positive for methamphetamine. The substance abuse evaluation showed defendant was
4 dependent on methamphetamine. Consequently, Mr. Mendoza was enrolled in a 32 week
5 intensive outpatient counseling program through All About Choices. On February 1, 11, 15, and
6 16, 2011, Mr. Mendoza's urine tests returned positive for methamphetamine. Mr. Mendoza was
7 not agreeable to residential drug treatment.

8 The Court was notified on March 3, 2011. Defendant had relapsed to methamphetamine use
9 and had failed to pay his special assessment. On April 1, 2011, Mr. Mendoza admitted the
10 violations and was sentenced to 18 days detention and 2 years supervised release with the
11 condition that he attend residential substance abuse treatment. He successfully completed
12 treatment on May 30, 2011, and was released on April 1, 2011. At that time, he returned to his
13 employer and resumed follow up treatment. He was also ordered to make \$50 monthly payments
14 toward his restitution.

15 **PRESENTLY ALLEGED VIOLATIONS**

16 In a petition dated October 5, 2011, U.S. Probation Officer Andrew Lorenzen alleged that
17 defendant violated the following conditions of supervised release:

- 18 1. Using methamphetamine on or before September 13, 2011, in violation of standard
19 condition 7.
- 20 2. Failure to report for drug testing as directed on September 19, 21, 23, 26, and 27, 2011,
21 in violation of the special condition.
- 22 3. Failure to pay restitution as directed, in violation of the Court's restitution order.
- 23 4. Failure to report change in employment, in violation of standard condition umber 6.

1 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

2 Defendant admitted the above violations, waived any hearing as to whether they occurred,
3 and was informed the matter would be set for a disposition hearing on December 1, 2011 at 2:30
4 p.m. before District Judge Richard A. Jones.

5 **RECOMMENDED FINDINGS AND CONCLUSIONS**

6 Based upon the foregoing, I recommend the court find that defendant has violated the
7 conditions of his supervised release as alleged above, and conduct a disposition hearing.

8 DATED this 1st day of November, 2011.

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11 BRIAN A. TSUCHIDA
12 United States Magistrate Judge
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